FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9154 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Shri Anilkumar Patil for the petitioners.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. By this writ petition the petitioners who are guarantors of a loan given by respondent no.1 to respondent no.2 seeks to quash and set aside the finding recorded by the Co-operative Court No.I Sangli and further Judgment and order rejecting the petitioners' appeal, passed by the Maharashtra State Co-operative Appellate Court, (Bombay) Bench Pune on 4.8.2004 in Appeal No.56/2003. By the impugned Judgment and order the

lower Courts have held that the dispute filed by the petitioners under Section 91 of the Maharashtra Co-operative Societies Act being Co-operative Case No.867/98 filed in the Co-operative Court, Sangli is incompetent as against the bank and its officers. Both the Courts have held that the dispute is competent as against principal lonee.

2. Perused the prayers in the dispute. It is clear that the prayers against the bank are not maintainable as the bank has already obtained a Certificate under Section 137 of the Maharashtra Co-operative Societies Act. Whatever contentions petitioners wanted to raise in the dispute as against the bank and its officers could have been raised under 137 proceedings. I am further informed that revision has already been filed by the petitioners and the same is

still pending. It is correctly held by the lower Co-operative Court that the dispute under 91 would not lie. This is not a fit case for interference in my jurisdiction under Article 227 of the Constitution of India. Petition is rejected.

(R.S.Mohite,J)